

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CLIFFORD POLLARD TURNER,  
  
Plaintiff,  
  
v.  
  
JEWISH, *et al.*,  
  
Defendants.

No. 1:23-cv-0287 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION, WITHOUT PREJUDICE, FOR  
FAILURE TO OBEY COURT ORDERS AND  
FAILURE TO PROSECUTE

(Doc. 10)

Clifford Pollard Turner is a Texas state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge found Plaintiff failed to prosecute this action after he failed to respond to the Court's order directing him to submit a completed application to proceed *in forma pauperis* or pay the \$402.00 filing fee, and "to file a signed complaint, not to exceed 25 pages in length." (Doc. 10 at 1, citing Doc. 4.) The magistrate judge noted that Plaintiff was "expressly warned Plaintiff that failure to comply with the Court's order would result in dismissal of this action, without prejudice." (*Id.*) Accordingly, the magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 4.)

The Findings and Recommendations were served on Plaintiff by mail on May 24, 2023, and contained a notice that any objections must be filed within 14 days. (Doc. 10 at 4.) In

1 addition, Plaintiff was advised the “failure to file objections within the specified time may result  
2 in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.*, quoting  
3 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394  
4 (9th Cir. 1991).) No objections were filed, and the deadline to do so has now passed.

5 According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the  
6 case. Having carefully reviewed the entire matter, the Court concludes the magistrate judge’s  
7 Findings and Recommendations are supported by the record and by proper analysis. Based on the  
8 foregoing, the Court **ORDERS**:

- 9 1. The Findings and Recommendations issued on May 24, 2023 (Doc. 10), are  
10 **ADOPTED** in full.
- 11 2. This action is **DISMISSED** without prejudice.
- 12 3. The Clerk of Court is directed to close this case.

13  
14 IT IS SO ORDERED.

15 Dated: **June 21, 2023**

  
UNITED STATES DISTRICT JUDGE